

Decision 01-10-065 October 25, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Lathrop for an order authorizing the City to: Construct Lathrop Road Overcrossing over the tracks and right of way of the Union Pacific Railroad Company in the City of Lathrop, County of San Joaquin, State of California.

Application 01-06-018  
(Filed June 13, 2001)

**O P I N I O N**

**Summary**

The City of Lathrop (City) requests authority to construct the Lathrop Road Overcrossing (Overcrossing) at separated grades over the Union Pacific Railroad Company's (UP) main line tracks in the City of Lathrop, San Joaquin County.

**Discussion**

The proposed Overcrossing will consist of a two-span cast-in-place prestressed box girder. The bridge will be 230 feet long and 86 feet wide. The curb-to-curb width will be 68 feet with four 12-foot lanes, two 8-foot shoulders, and 4-foot raised median. Each side of the Overcrossing will have 8-foot wide sidewalks, concrete barrier, and chain link railing. The Overcrossing will be constructed in two phases.

The phase 1 construction includes shift of eastbound automobile traffic approximately 12 feet north to provide room to construct south half of the proposed structure. The existing eastbound approach crossing warning devices

(automatic gate-type signals, Standard #9) will be relocated to the shifted roadway. Frontage roads will be constructed to provide access to the affected properties in the vicinity. South half of the structure will be constructed as part of the phase 1 construction and upon its completion all roadway traffic will be shifted to this structure to provide room for construction of north half of the structure.

The phase II construction includes closure of the existing at-grade crossing, Crossing No. 4-84.80 (DOT No. 833920D), its associated roadways, and construction of the north half of the structure.

The west half of the project is within city limits of Lathrop and the east half of the project is within an unincorporated area of San Joaquin County. The proposed Overcrossing is a joint project by the City and the County with a cooperative agreement. The priority list of grade separation projects for fiscal years 2000-2001 and 2001-2002, as set forth in the Commission Decision 00-08-020, dated August 3, 2000, shows this project as priority No. 16. However, the applicant intends to arrange the project financing with its own funds, San Joaquin County Measure "K" funds, and railroad contribution.

The proposed project will result in elimination of an at-grade crossing and will provide an arterial street not subject to disruption by rail movements and will improve safety on Lathrop Road.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. City has determined that the project is categorically exempt from CEQA under PR Code Section 2108.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination.

Application 01-06-018 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to alteration of an existing crossing. A sketch of the crossing site is set forth in Appendix A.

The Commission's Rail Safety and Carrier's Division, Rail Crossing Engineering Safety Section staff has inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

In Resolution ALJ 176-3066 dated June 28, 2001, and published on the Commission Daily Calendar on June 29, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3066.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on June 15, 2001; no protests have been filed. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Lathrop Road at separated grades over the UP's main line tracks in the

City of Lathrop, San Joaquin County, as set forth in Appendix A and as more fully described in the application.

3. Construction of Lathrop Road grade separation is required to improve traffic circulation and safety of motorists.

4. Public convenience, necessity and safety require the construction of the Lathrop Road grade separation.

5. The Overcrossing will be constructed in two phases. The phase 1 construction includes shift of eastbound traffic, relocation of eastbound approach crossing warning devices, construction of frontage roads, and construction of south half of the overcrossing. The phase II construction includes closure of the existing at-grade crossing and its associated roadways, and construction of the north half of the Overcrossing.

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.

2. The activity is not covered by the requirements set forth in CEQA and, therefore, the guidelines (14 Cal. Admin. Code-Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

3. The application should be granted as set forth in the following order.

**O R D E R**

**IT IS ORDERED** that:

1. The City of City of Lathrop (City) is authorized to construct Lathrop Road Overcrossing at separated grades over the Union Pacific Railroad Company's (UP) main line tracks in the City of Lathrop, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-84.80-A (DOT No. 833920D).

2. City is authorized to shift eastbound automobile traffic approximately 12 feet north to provide room to construct south half of the proposed structure. City is also authorized to relocate the eastbound approach crossing warning devices (automatic gate-type signal Standard #9 in accordance with General Order (GO) 75-C) to the shifted roadway.

3. Upon construction of the south half of the Overcrossing and its opening to vehicular traffic, the existing at-grade crossing 4-84.80 shall be closed and physically removed.

4. Clearances shall be in accordance with GO 26-D.

5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by UP and San Joaquin County, shall be filed by the City with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the

Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of work under this order, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The Executive Director shall serve a copy of this order on UP and the San Joaquin County.

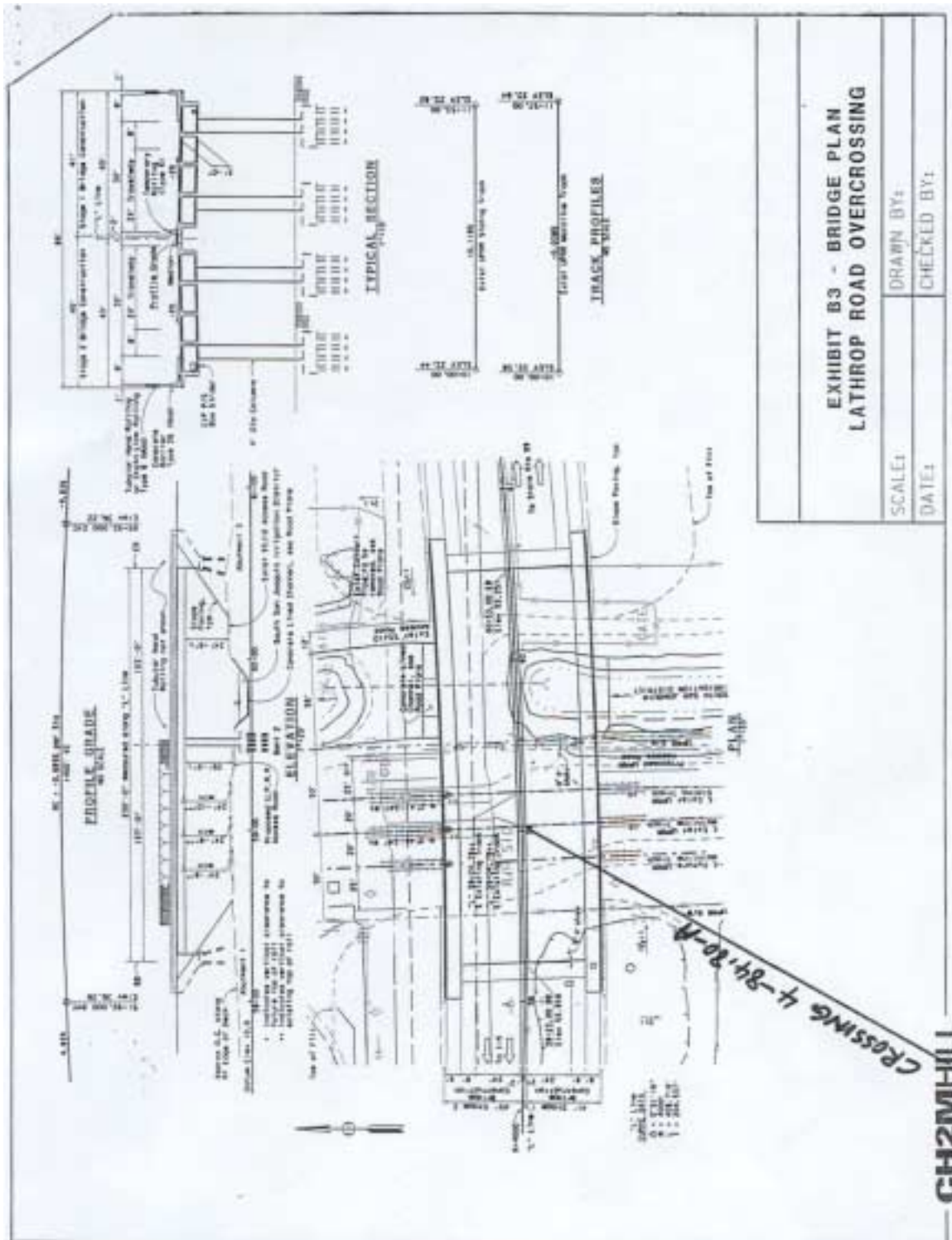
10. This application is granted as set forth above.

11. Application 01-06-018 is closed.

This order becomes effective 30 days from today.

Dated October 25, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN



(End of Appendix A)